

said thickness T2 continuously tapers into said thickness T1.

12. (Amended) A molded article made predominantly of pulp and comprising:

a bottom portion; and

a body portion,

C1  
concl.  
wherein an angle between an outer surface of a side wall of said body portion and a ground contact plane of said bottom portion is 85° or greater, said molded article is seamless, a height of said body portion is 50 mm or more, and said molded article has corners of a density  $\rho_2$  that is smaller than a density  $\rho_1$  of a portion that is not one of said corners.

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Please add new Claims 35 and 36 as shown below:

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35. (New) The molded article according to Claim 11, wherein said molded article has corners of a density  $\rho_2$  that is smaller than a density  $\rho_1$  of a portion that is not one of said corners.

C2  
36. (New) The molded article according to Claim 12, wherein said molded article has corners of an approximately uniform thickness T2 that is greater than a thickness T1 of a portion that is not one of said corners, and

said thickness T2 continuously tapers into said thickness T1.

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#### REMARKS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 11-36 are pending; Claims 13, 14, 16, and 18-34 have been withdrawn from consideration; Claims 11 and 12 have been amended; and Claims 35 and 36 have been newly  
11, 12, 15, 17

added herewith. It is respectfully submitted that no new matter has been added by this amendment.

In the outstanding Office Action, Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kieckhefer (U.S. Pat. No. 2,530,124) or Clay (U.S. Pat. No. 2,042,210); Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tolson et al. (U.S. Pat. No. 4,856,704, hereafter Tolson) in view of Florian (U.S. Pat. No. 4,162,759) or Reifers et al. (U.S. Pat. No. 4,162,759, hereafter Reifers) and further in view of either Hatch (U.S. Pat. No. 2,738,914) or Taylor (U.S. Pat. No. 1,966,469); and Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over either Kieckhefer or Clay, in view of either Hatch or Taylor.

With regard to the rejection of Claims 11, 12, 15, and 17 under 35 U.S.C. § 112, second paragraph, the noted informality has been corrected. Accordingly, it is respectfully requested that this rejection be withdrawn.

Regarding the rejection of Claims 11, 12, 15, and 16 under 35 U.S.C. § 103(a) as unpatentable over either Kieckhefer or Clay, this rejection is respectfully traversed. Claim 11, as amended, recites:

an angle between an outer surface of a side wall of said body portion and a ground contact plane of said bottom portion is 85° or greater, said molded article is seamless, a height of said body portion is 55 mm or more, said molded article has corners of an approximately uniform thickness T2 that is greater than a thickness T1 of a portion that is not one of said corners, and said thickness T2 continuously tapers into said thickness T1.

Kieckhefer relates to a nested cup. Kieckhefer seeks to prevent stacked cups from becoming wedged together. To overcome this problem, Kieckhefer describes that the nesting engagement must be limited by contact between the walls and that the angularity of the walls

must be such that the cups do not stack too closely.<sup>2</sup> From this description, it is evident that Kieckhefer teaches away from having an angle of 85° or greater between an outer surface of a side wall of the body and a ground contact plane of the bottom portion, because cups having a side wall angle of 85° or greater would stack too closely to prevent wedging.

Clay relates to a composition tray. The Office Action states at page 3 that Figure 4 of Clay illustrates a pulp molded article having an angle of 85° or greater. However, there is no support in the teachings of Clay for this assertion. The description of Figure 6 does not indicate any angle of the tray at all. Additionally, Claim 11 recites that said thickness T2 approximately continuously tapers into said thickness T1. However, as depicted in Figure 4 of Clay, there is a large bulge in the corner. Accordingly, the tray of Clay with a bulge at the corner does not have a thickness T2 approximately continuously tapering into a thickness T1. It is therefore respectfully requested that this rejection be withdrawn.

Claim 12 recites:

an angle between an outer surface of a side wall of said body portion and a ground contact plane of said bottom portion is 85° or greater, said molded article is seamless, a height of said body portion is 50 mm or more, and said molded article has corners of a density  $\rho_2$  that is smaller than a density  $\rho_1$  of a portion that is not one of said corners.

The Office Action appears to take Official Notice at page 3, paragraph 5 that the molded containers of Kieckhefer and Clay inherently have a density  $\rho_2$  smaller than  $\rho_1$  at portions 5 and 4 due to the molding process. However, it is respectfully requested that a reference be cited in support of this assertion. Absent such a citation, it is respectfully requested that this rejection be withdrawn.

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<sup>2</sup> Kieckhefer, col. 1, 15-20.

Consequently, as neither Kieckhefer nor Clay, either alone or in combination, discloses or suggests the features recited in independent Claims 11 and 12, and it is respectfully requested that the rejection of Claims 11, 12, 15, and 16 be withdrawn.

With regard to the rejection of Claims 11, 12, 15 and 16 under 35 U.S.C. § 103(a) as unpatentable over Tolson in view of Florian or Reifers and further in view of Hatch or Taylor, this rejection is respectfully traversed for the reasons discussed below.

Tolson relates to a machine packaging tray. The Office Action states at page 4 that Tolson satisfies all claim limitations except for the tray being made by pulp material. However, it is respectfully submitted that Tolson does not disclose or suggest that an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion is 85° or greater, as recited in Claims 11 and 12. Additionally, there is no disclosure or suggestion of a decreased density at the corners, as recited in Claim 12.

It is further respectfully submitted that Florian fails to remedy the defects of Tolson. Specifically, Florian describes that the bottom wall 10 is 24 cm long by 11 cm wide and walls 11 and 12 flare outwardly at an angle of approximately 30° from the bottom wall 10 and are 2.85 cm in height. From this description, therefore, it is evident that Florian does not disclose or suggest the claimed angle configuration recited in 11 and 12. Florian also does not disclose or suggest the feature of decreased density at the corners, as recited in Claim 12.

Reifers relates to a food packaging tray. However, Reifers does not disclose or suggest that an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion is 85° or greater, as recited in Claims 11 and 12. Additionally, Reifers does not disclose or suggest a decreased density at the corners, as recited in Claim 12.

Hatch relates to a fruit and vegetable container. The containers of Hatch have the same thickness at the corners as in the body, which is contrary to the recitation in Claim 11.

Additionally, there is no disclosure or suggestion in Hatch of a decreased density at the corners, as recited in Claim 12. There is certainly no disclosure or suggestion in the teachings of Hatch that that an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion is 85° or greater may be combined with an increased thickness at the corners or a decreased density at the corners, as recited in Claims 11 and 12, respectively.

Similarly, Taylor fails to remedy the defects above-noted with regard to Tolson, Florian, Reifers, and Hatch. There is no teaching or suggestion anywhere in Taylor regarding an increased thickness at the corners and a decreased density at the corners, as recited in Claims 11 and 12, respectively. Certainly, there is no teaching or suggestion to combine an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion of 85° or greater, as recited in Claims 11 and 12 with an increased thickness at the corners or a decreased density at the corners. Additionally, there is no written description of an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion being 85° or greater, as recited in Claims 11 and 12.

Consequently, as none of the references, either alone or in combination, disclose or suggest the features recited in independent Claims 11 and 12, it is respectfully submitted that this rejection be withdrawn. Likewise, it is respectfully requested that the rejection of dependent Claims 15 and 16 be withdrawn for at least the reasons set forth with regard to Claims 11 and 12, from which these claims depend.

Regarding the rejection of Claims 11, 12, 15, and 16 under 35 U.S.C. § 103(a) as unpatentable over either Kieckhefer or Clay in view of either Hatch or Taylor, this rejection is respectfully traversed.

As noted above, neither Kieckhefer nor Clay, either alone or in combination, discloses or suggests the features recited in Claims 11 and 12.

With regard to the proposed combination of Kieckhefer and Hatch, it is respectfully submitted that Kieckhefer teaches away from the combined combination with Hatch. Specifically, Kieckhefer, as noted above, describes that the wall angle of the nested cups must be such that the cups are not too closely resting together. From this description, as earlier noted, it is evident that Kieckhefer teaches away from an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion being 85° or greater, as recited in Claims 11 and 12. Therefore, combining Kieckhefer with Hatch is contrary to the teachings of these references, and is therefore impermissible.

Regarding the applied combination of Kieckhefer and Taylor, it is respectfully submitted that neither Kieckhefer nor Taylor, as noted above, discloses or suggests the claimed angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion being 85° or greater, as recited in Claims 11 and 12. Additionally, there is no disclosure or suggestion of a decreased density at the corners in either Kieckhefer or Taylor, as recited in Claim 12.

As for the combination of Clay with Hatch, even if these two references were to be combined, there is still no teaching regarding the increased thickness and the decreased density at the corner portions, as recited in Claims 11 and 12. Accordingly, it is respectfully submitted that the Office Action has failed to provide a *prima facie* case of obviousness regarding the features of Claims 11 and 12 by the application of the combination of Clay and Hatch.

With regard to the applied combination of Clay and Taylor, it is respectfully submitted that the Office Action has again failed to provide a *prima facie* case of obviousness. Specifically, there is no disclosure or suggestion in the teachings of either of

these references regarding the increased thickness or decreased density at the corners, as recited in Claims 11 and 12, respectively. Moreover, there is no teaching or suggestion in the applied combination of Clay and Taylor that an angle between an outer surface of a side wall of the body portion and a ground contact plane of the bottom portion is 85° or greater, as recited in Claims 11 and 12.

Accordingly, in light of the foregoing discussion, it is respectfully submitted that Claims 11, 12, 15, and 16 patentably distinguish over the cited references, either alone or in combination. It is therefore respectfully requested that the outstanding rejections of Claims 11, 12, 15, and 16 be withdrawn.

Newly added Claims 35 and 36, which depend from Claims 11 and 12, respectively, recite additional features not disclosed or suggested by the references of record. Support for newly added Claims 35 and 36 may be found, for example, at page 8 of the specification. It is therefore respectfully submitted that no new matter has been added by Claims 35 and 36.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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IN THE CLAIMS

Please amend Claims 11 and 12 as shown below:

11. (Amended) A molded article made predominantly of pulp and comprising: ✓

bottom portion;

and a body portion,

wherein an angle between an outer surface of a side wall of said body portion and a  
ground contact plane of said bottom portion is 85° or greater, said molded article is seamless,  
a height of said body portion is 50 mm or more, [and] said molded article has corners [whose]  
of an approximately uniform thickness T2 that is greater than a thickness T1 of [other  
portions] a portion that is not one of said corners, and  
said thickness T2 continuously tapers into said thickness T1.

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12. (Amended) A molded article made predominantly of pulp and comprising:

a bottom portion; and

a body portion,

wherein an angle between an outer surface of a side wall of said body portion and a  
ground contact plane of said bottom portion is 85° or greater, said molded article is seamless,  
a height of said body portion is 50 mm or more, and said molded article has corners [whose]  
of a density  $\rho_2$  that is smaller than a density  $\rho_1$  of [other portions] a portion that is not one of  
said corners.

Claims 35 and 36 (New).